

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CASEY J. CARSON,)	
)	
Petitioner/Defendant,)	
)	CIVIL NO. 09-526-GPM
vs.)	
)	CRIMINAL NO. 06-30135
UNITED STATES of AMERICA ,)	
)	
Respondent/Plaintiff.)	

MEMORANDUM AND ORDER

MURPHY, District Judge:

Mr. Carson moves for leave to proceed *in forma pauperis* on appeal (Doc. 10). “An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.” 28 U.S.C. § 1915(a)(3). An appellant is “acting in bad faith in the more common legal meaning of the term . . . [when he sues] . . . on the basis of a frivolous claim, which is to say a claim that no reasonable person could suppose to have any merit.” *Lee v. Clinton*, 209 F.3d 1025, 1026 (7th Cir. 2000).

Mr. Carson’s earlier motion under § 2255 was denied because he asserted frivolous claims as was his request for issuance of a certificate of appealability. He does not now give reasons why the earlier orders were wrong. So, the Court **CERTIFIES** that this appeal is not taken in good faith and leave to proceed *in forma pauperis* on appeal (Doc. 10) is **DENIED**. Mr. Carson must pay the appellate filing and docketing fee of **\$455** to the Clerk of Court in this District or reapply to the Seventh Circuit Court of Appeals for leave to proceed *in forma pauperis* on appeal.

IT IS SO ORDERED.

DATED: 05/07/10

s/ *G. Patrick Murphy*
G. PATRICK MURPHY
United States District Judge